IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1545 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

GUJARAT HOUSING BOARD, THROUGH THE EXECUTIVE ENGINEER

Versus

THE STATE OF GUJARAT

Appearance:

1. Civil Revision Application No. 1545 of 1986

MR ND GOHIL for Petitioner No. 1

MR KL PANDYA A.G.P. for Respondent No. 1-2

..... for Respondent No. 3

MR AJAY R MEHTA for Respondent No. 4,7,7-9

RULE NOT RECD BACK for Respondent No. 5

RULE UNSERVED for Respondent No. 6

MRS SIDDHI D TALATI for Respondent No. 8

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 26/12/2002

ORAL JUDGEMENT

1. This is a revision application under Section 115 of the Civil Procedure Code which will now be governed by the amendment introduced by Civil Procedure Code (Amendment) Act, 1999.

2. Opponent no.6 is permitted to be deleted on the request of learned counsel for the petitioner. Opponents nos.3 to 9 in the revision were original plaintiffs who had filed Regular Civil Suit no.293/76 in the Court of Joint Civil Judge (Junior Division) Godhra, which was ultimately decreed in favour of the plaintiffs and against the defendants. It is pertinent to note that the present respondents nos.1 and 2 who were defendants nos.1 and 2 respectively chose not to challenge the decree passed against them. However, defendant no.3 - present applicant, preferred a regular appeal under Section 96 of the Civil Procedure Code which was time barred on the date of filing. Hence, an application for condonation of delay was filed. The appellate Court after hearing the parties rejected the said application on merits and hence the present revision application.

3. As a result of the hearing and discussion and also on plain reading of the amended proviso under Section 115 of the Civil Procedure Code, it is obvious that this revision application is not maintainable. This revision application is, therefore, dismissed and Rule is discharged with no order as to costs.

[Y.B. BHATT, J.]

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